#### UNITED STATES DISTRICT COURT FOR THE DISTRICT OF DELAWARE

POWER INTEGRATIONS, INC., a

C.A. No. 04-1371-JJF

Plaintiff.

FAIRCHILD SEMICONDUCTOR INTERNATIONAL, INC.

V.

Defendant.

**NOTICE OF SUBPOENA OF JAMES** D. BEASOM PURSUANT TO FEDERAL RULE OF CIVIL **PROCEDURE 45** 

TO PLAINTIFF POWER INTEGRATIONS, INC. AND ITS ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that, pursuant to Rule 45 of the Federal Rules of Civil Procedure, Defendant Fairchild Semiconductor International, Inc. will take the oral deposition of James D. Beasom, at the offices of King Reporting Service, 14 Suntree Place, Suite 101, Melbourne, Florida 32940, beginning at 9:30 A.M. on September 30, 2005, continuing day to day until complete.

NOTICE IS FURTHER GIVEN THAT the deposition will be recorded stenographically through instant visual display of testimony (real-time), by certified shorthand reporter and notary public or such other person authorized to administer oaths under the laws of the United States, and shall continue from day to day until completed. This deposition will be videotaped.

NOTICE IS FURTHER GIVEN THAT Mr. Beasom is instructed to produce documents, identified in the attached Subpoena, at the offices of King Reporting Service, 14 Suntree Place, Suite 101, Melbourne, Florida 32940 on September 30, 2005.

Dated: September 13, 2005

#### **ASHBY & GEDDES**

Steven J. Balick (I.D. 2114) John G. Day (I.D. 2403) 222 Delaware Avenue 17th Floor P.O. Box 1150 Wilmington, DE 19899 Tel: (302) 654-1888 Attorneys for Defendants FAIRCHILD SEMICONDUCTOR

INTERNATIONAL, INC. and FAIRCHILD SEMICONDUCTOR

CORPORATION

OF COUNSEL:

ORRICK, HERRINGTON & SUTCLIFFE LLP

G. Hopkins Guy, III (#124811)

Bas de Blank (#191487) 1000 Marsh Road

Menlo Park, CA 94025

Tel: (650) 614-7400

#### **ATTACHMENT A**

Pursuant to Federal Rule of Civil Procedure 45, Defendants Fairchild Semiconductor International, Inc., and Fairchild Semiconductor Corporation (collectively, "Fairchild") hereby requests that James D. Beasom produce and allow inspection and copying of the following documents and things requested herein at the law offices of Orrick, Herrington & Sutcliffe, LLP, 1000 Marsh Road, Menlo Park, California 94025, at the date and time specified in the attached subpoena in accordance with the Federal Rules of Civil Procedure (and the following Definitions and Instructions).

### **DEFINITIONS AND INSTRUCTIONS**

- A. In responding to the present subpoena duces tecum, you are required to furnish such information as is available to you, including but not limited to information in the possession of your agents, representatives, or any other person or persons acting on your behalf.
- B. The "Beasom Patents" shall be understood to mean U.S. Patent No. 4,823,173 (the "'173 Patent"), U.S. Patent No. 5,264,719 (the "'719 Patent") and all applications, continuations, CIPs, divisionals, reexaminations, and reissues thereof, and all foreign applications (including PCT Applications) and related patents thereof, whether issued, abandoned or pending including, but not limited to, U.S. Patent Application Serial No. 831,384, filed January 7, 1986, U.S. Patent Application Serial No. 242,405, filed September 8, 1988, and U.S. Patent Application Serial No. 705,509, filed May 24, 1991.
- C. The terms "writings," "recordings," or "documents" as used herein are used in their broadest sense and include, without limitation, the original and all non-identical copies (including those with any notations of the following items: agreements and contracts; assignments; licenses; correspondence; reports, notes and memoranda; summaries, daytimers, calendars, minutes, notes and records of telephone conversations, meetings and conferences; reports and/or summaries of investigations; opinions and reports of experts and consultants; statements of persons having knowledge of relevant facts; cablegrams and telex messages; patents, registrations of service or trademarks, copyrights, and applications for each of them; opinions of counsel; sales records, including purchase orders, order acknowledgments and DOCSSVI:417118.1

  NOTICE OF SUBPOENA OF JAMES D. BEASOM DOCSSVI:417118.1

  NOTICE OF SUBPOENA OF JAMES D. BEASOM C.A. No. 04-1371-JJF

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DOCSSV1:417118.1

10414-25 BV2/BV2

1 C. the date of each copy of the document, if any, or an estimate of its date; d. a statement of the basis for the claim of privilege; and 2 a description of the document sufficient for the Court to rule on the 3 e. applicability and appropriateness of the claimed privilege. 4 5 LIST OF DOCUMENTS TO BE PRODUCED 6 1. All documents concerning the conception or reduction to practice of the inventions claimed in the Beasom Patents including, but not limited to, all inventor notebooks, 7 engineering notebooks, specifications, correspondence, and invention disclosure statements 8 9 concerning the Beasom Patents. 2. 10 Documents sufficient to identify the dates of conception and reduction to practice of the Beasom Patents. 11 3. 12 All documents corroborating the date of conception and reduction to practice of the Beasom Patents. 13 14 4. All documents concerning the prosecution of the Beasom Patents including, but not limited to, copies of all prosecution files, notes, notebooks, draft applications, 15 draft responses and amendments, invention disclosure statements, and documents associated with 16 any continuation, continuation-in-part, divisional, reexamination, and/or reissue of the Beasom 17 Patents. 18 19 20 21 22 23 24 25 26 27

ORRICK
HERRINGTON
& SUTCLIFFE LLP
SILICON VALLEY

DOCSSV1:417118.1 10414-25 BV2/BV2

### Issued by the

### UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF FLORIDA

POWER	INTEGRA	ATIONS,	INCORF	ORATED,
		Plaintiff.	•	

V.

#### SUBPOENA IN A CIVIL CASE

FAIRCHILD SEMICONDUCTOR INTERNATIONAL, INC. AND Case Number: 04-1371-JJF FAIRCHILD SEMICONDUCTOR COPRORATION, Defendants.

District of Delaware

DATE

September 13, 2005

TO: James D. Beasom 506 S Wildwood Ln

PLACE OF TESTIMONY	COURTROOM	
	DATE AND TIME	
YOU ARE COMMANDED to appear at the place, date, and time specified belo in the above case.	w to testify at the taking of a deposition	
PLACE OF DEPOSITION King Reporting Service, 14 Suntree Place, Suite 101, Melbourne, Florida 32940	DATE AND TIME September 30, 2005 at 9:30am	
	September 30, 2005 at 9:30am e following documents or objects at the	
King Reporting Service, 14 Suntree Place, Suite 101, Melbourne, Florida 32940  YOU ARE COMMANDED to produce and permit inspection and copying of the place, date, and time specified below (list documents or objects):	September 30, 2005 at 9:30am the following documents or objects at the asom  DATE AND TIME	
King Reporting Service, 14 Suntree Place, Suite 101, Melbourne, Florida 32940  YOU ARE COMMANDED to produce and permit inspection and copying of the place, date, and time specified below (list documents or objects):  Documents described in Schedule A to Subpoena Duces Tecum to James D. Best PLACE	September 30, 2005 at 9:30am the following documents or objects at the asom  DATE AND TIME September 30, 2005	

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

Bas de Blank, Orrick, Herrington & Sutcliffe LLP, 1000 Marsh Road, Menlo Park, CA 94025 Attorney for Defendants Fairchild Semiconductor International, Inc. and Fairchild Semiconductor Corporation

(See Rule 45, Federal Rules of Civil Procedure, Parts C & D on next page)

the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

<sup>&</sup>lt;sup>1</sup>If action is pending in district other than district of issuance, state district under case number.

AO 88 (Rev 1/94) Subpoena in a Civil Case		
	PROOF OF SERVICE	
DATE SERVED:	PLACE	
SERVED ON (PRINT NAME)	MANNER OF SERVICE	
SERVED BY (PRINT NAME)	TITLE	
	DECLARATION OF SERVER	
in the Proof of Service is true and correct.	ne laws of the United States of America that the foregoing information containe	
Executed on	SIGNATURE OF SERVER	
	ADDRESS OF SERVER	

#### Rule 45, Federal Rules of Civil Procedure, Parts C & D:

#### (c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

- (1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and reasonable attorney's fee.
- (2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.
- (B) Subject to paragraph (d) (2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to comply production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.
- (3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it
  - (i) fails to allow reasonable time for compliance,
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c) (3) (B) (iii) of this rule, such a person may in order to attend

trial be commanded to travel from any such place within the state in which t trial is held, or

- (iii) requires disclosure of privileged or other protected matter and n exception or waiver applies, or
  - (iv) subjects a person to undue burden.

#### (B) If a subpoena

- (i) requires disclosure of a trade secret or other confidential researc development, or commercial information, or
- (ii) requires disclosure of an unretained expert's opinion information not describing specific events or occurrences in dispute and resulti from the expert's study made not at the request of any party, or
- (iii) requires a person who is not a party or an officer of a party incur substantial expense to travel more than 100 miles to attend trial, the cou may, to protect a person subject to or affected by the subpoena, quash or modi the subpoena, or, if the party in who behalf the subpoena is issued shows substantial need for the testimony or material that cannot be otherwise met witho undue hardship and assures that the person to whom the subpoena is address will be reasonably compensated, the court may order appearance or producti only upon specified conditions.

#### (d) DUTIES IN RESPONDING TO SUBPOENA.

- (1) A person responding to a subpoena to produce documents shall produ them as they are kept in the usual course of business or shall organize and lab them to correspond with the categories in the demand.
- (2) When information subject to a subpoena is withheld on a claim that it privileged or subject to protection as trial preparation materials, the claim shall made expressly and shall be supported by a description of the nature of t documents, communications, or things not produced that is sufficient to enable t demanding party to contest the claim.

SEP. 20. 2005 10:40AM A & A LEGAL SERVICE 6506974640

NO. 1391

WWW.ORRICK.COM Assempt for: Definition: Assempt for: Definition: Assempt for: Definition of Justice District Court, Middle U Finited Status District Court, Middle U Finited: POWER INTEGRATIONS, IN Definition: FAIRCHILD SEMECONDUCTORS	EXNO: 650-614-7301  Franck Courc:  Native Of Florida  CORPORATED  TOR INTERNATION	Ref. No. or File No.: FAIRCHILD SED IAL, INC.; ET AL	<b>acon</b> ouct	Par count cas cony
PROOF OF SERVICE	Mearing Dan:	Thus:	Dept/Div:	Gase Manber:
SUBPOENA IN A CIVIL	Fri, Sep. 30, 2005	9:30AM		04-1371-JJF

1. At the time of service I was at least 18 years of age and not a party to this action.

2. I served copies of the SUBPORNA IN A CIVIL CASE; NOTICE OF SUBPORNA OF JAMES D. BEASOM PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 45

3. E. Party served;

JAMES D. BEASOM

b. Person served:

party in item 3.4.

4. Address where the party was served:

506 S. WILDWOOD LN MELBOURNE, FL 32904

5. I served the party:

a. by personal service. I personally delivered the documents listed in itom 2 to the party or person authorized to receive service of process for the party (1) on: Tim., Sep. 15, 2005 (2) at: 6:50P94

b. I received this subpena for service on:

Tuesday, September 13, 2005

6. Witness fees were offered or demanded, and paid:

\$69.00

7. Person Who Served Papers: A JOSEPH CARRANO

é. The Fee for Service was: a lam:

(1) Independent Contractor

Recoverable Cost Per CCP 1033\_S(a)(1)(ff)

1541 Bayshore Huy Butlingame, CA 840(0-1002: (660).697-9431

Fex (680) 697-4640

8. I declare under penalty of perjusy under the laws of the State of California that the faregoing is true and correct.

Date: Fri, Sep. 16, 2005